13. (Amended) A method for identifying a compound useful in the diagnosis or treatment of a human neutral sphingomyelinase related disorder, the method comprising contacting a candidate pharmacological agent with a recombinant human neutral sphingomyelinase having an amino acid sequence represented by SEQ ID NO. 2 or fragment or derivative thereof and analyzing the mixture of the candidate agent and human neutral sphingomyelinase or fragment or derivative thereof, wherein the analyzing step further comprises comparing enzyme activity in the presence and absence of the agent, wherein the fragment or derivative of the human neutral sphingomyelinase has at least about 50% of the activity of the protein of SEQ ID NO.2, wherein the fragment or derivative of the recombinant human neutral sphingomyelinase is at least about 70% identical to the protein of SEQ ID NO. 2.

REMARKS

Claims 13 and 15-17 stand rejected under 35 USC §112, second paragraph, as being indefinite. While Applicants respectfully disagree with the position taken, grounds for it have been addressed by this submission. Specifically, claim 13 has been amended as suggested by the Examiner at pg. 3 of the Office Action. Accordingly, reconsideration and withdrawal of the rejection are requested.

Claims 13 and 15-17 stand rejected under 35 USC §112, first paragraph, as being indefinite on grounds set forth at pgs. 2-3 of the Office Action. Applicants respectfully disagree with the position taken. However grounds for it have been addressed by this submission.

In contrast to the position advanced by the USPTO, Applicant has shown how to make and use a wide variety of N-Smase fragments and derivatives. See the previous response submitted on September 6, 2002.